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PRESS STATEMENT

LPDB Demands N.O. Traffic Court Remit Fees Owed to Public Defender Office

BATON ROUGE – Today the Louisiana Public Defender Board (LPDB) requested that the New Orleans Traffic Court remit the monies that it owes to the Orleans Public Defenders (OPD), implement the recommendations contained in the May 11, 2012 LaPorte forensic audit report, and adopt a policy that will ensure that the Traffic Court timely pays the monies that it collects on OPD's behalf from this point going forward.

In its report released on May 11, 2012, LaPorte CPAs and Business Advisors found that the New Orleans Traffic Court routinely failed to assess and remit the \$35 special costs mandated by R.S. 15:168.B(1) and thereby deprived OPD of millions of dollars in lost revenue while, at the same time, unnecessarily increased OPD's dependence upon the State's coffers. This confirms similar findings revealed in the Office of the Inspector General Report released in November 2011.

The law requires judges to assess a \$35 fee from every criminal defendant who is convicted after trial, pleads guilty or no contest, or who forfeits his or her bond for violation of a state statute or a parish or municipal ordinance other than a parking ticket. Under the law, judges are also responsible for collecting and remitting that fee to the local public defender office. In early 2011, LPDB filed a successful lawsuit against municipal and district court judges in Orleans, and an order was issued that these funds be assessed.

LaPorte's auditors reviewed every available traffic ticket and receipt collected by the Traffic Court in January 2011 and June 2011. From this, they extrapolated the Traffic Court's known underpayments to other months and estimate that the Traffic Court has underpaid the Orleans Parish Indigent Defender Fund between \$2,448,298 and \$6,706,476 since August 15, 2007, the effective date of the Public Defender Act of 2007, through Calendar Year 2011.

LPDB hopes to avoid filing suit against Traffic Court and requests that the Court remit the minimum amount that LaPorte's auditors estimate that the Traffic Court underpaid OPD (\$2,448,298) to the Orleans Parish Indigent Defender Fund, implement the recommendations of the LaPorte report (which include ticket reconciliation and single-source bookkeeping), and provide written agreement that it will timely pay the monies that it collects on OPD's behalf from this point going forward.

Traffic Court's refusal to remit these funds has exacerbated the funding shortfall at OPD, resulting in significant layoffs, office restructuring, and suspension of the conflict panel and assigned capital contract system. Additionally, by failing to remit local funds for public defender services in Orleans, there are less available state funds for other districts, unfairly compromising justice systems across the state.

Without agreement from the Court, LPDB will be forced to pursue legal action to recover funds to which they are statutorily entitled. LPDB will be represented by Phillip Wittmann of the firm Stone Pigman Walther Wittmann, LLC.